

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

GABRIEL ALLEN ECKARD,

CASE NO. C19-104 RSM

Plaintiff,

## ORDER

V.

PATRICIA THOMAS, et al.,

## Defendants.

This matter is before the Court on Plaintiff's Motion for Denial of Defendant's Summary Motion Under Rule 56(g) and/or Allow Time for Discovery. Dkt. #37. Plaintiff's motion, though dated October 12, 2019, was received by the Court on November 12, 2019. *Id.* Plaintiff complains that he has not had an adequate opportunity to conduct discovery and asks that Defendants' motion for summary judgment be denied or that Plaintiff be allowed additional time to conduct discovery. *Id.*

The Court need not consider Plaintiff's untimely filing. The filing relates to Defendants' motion for summary judgment which was noted for consideration on November 8, 2019. Dkt. #29. At that time, and in conjunction with being granted a time extension, Plaintiff was advised that he should "file a response to defendant's motion for summary judgment **on or before November 1, 2019.**" *Id.* at 2 (emphasis in original). The Honorable United States Magistrate

1 Judge Brian A. Tsuchida has since ruled on Defendants' motion for summary judgment. Dkt.  
2 #32. Plaintiff's Motion was untimely at the time the Court received it and the Court will not  
3 consider it now.<sup>1</sup>

4 Accordingly, Plaintiff's Motion for Denial of Defendant's Summary Judgment Motion  
5 Under Rule 56(g) and/or Allow Time for Discovery (Dkt. #37) is DENIED. The Clerk is directed  
6 to send a copy of this Order to Plaintiff at his last known address.

7 Dated this 13<sup>th</sup> day of December 2019.

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10 RICARDO S. MARTINEZ  
11 CHIEF UNITED STATES DISTRICT JUDGE  
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23 <sup>1</sup> Even if the Court construed Plaintiff's Motion as seeking another extension of his deadline to  
24 respond to Defendants' motion for summary judgment, denial would be appropriate. That  
deadline had previously passed, and Plaintiff's Motion makes no attempt to demonstrate that his  
failure to respond was due to excusable neglect. *See* FED. R. CIV. P. 6(b)(1)(B).